

THE
EXAMINATION
OF THE
BISHOPS,

Upon their Refusal of Reading His Majesty's
Most Gracious DECLARATION;

And the Nonconcurrence of the

Church of England,

In Repeal of the

Penal Laws and Test,

Fully Debated and Argued.

With Allowance.

L O N D O N,

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THE
EXAMINATION
OF THE
BISHOPS

OF THE
MOST REVEREND FATHERS
IN CHRIST
THE BISHOPS OF THE
CHURCH OF ENGLAND

IN THE
YEAR OF OUR LORD
MDCCLXXII

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THE
EXAMINATION
OF THE
BISHOPS, &c.

IT has pleas'd that Almighty Power which rules the Hearts of Princes, to enlighten and adorn His present Gracious Majesty with such peculiar Beams of Mercy and Clemency, those truly Royal Virtues, that render Him the nearest Pourtrait of that Deity whose Vicegerent He is. To win therefore the Universal Love of his People, a Conquest worthy of, and indeed reserved for His Great self, He has set up the Standard of *Compassion*; resolving to recover the alienated Affections of those of his Subjects, whom the Administration of his Predecessors may have any ways rendred uneasy.

There are but Two things in the World dear to all Mankind, Religion and Property. The last of these, I confess, in the most moderate Distribution of Common Right, has all along had its free course in the true Channels of Equity; only the first has been a little restrain'd; for *Conscience* has sometimes been shackled.

The Sighs therefore and Groans that have lately breathed from that Restraint, have moved him to that Sacred Commiseration, that He is resolved to break the Fetters that

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extort em, *The Penal Laws.* Which to effect, He has already declared His Determination for that choice of Magistrates in Authority under Him, that in His Princely Judgment He thinks will be most Hearty in contributing their best and ablest Endeavours for that Great End.

To carry on this pious work, 'tis not at all to be doubted but the suffering party on all sides, who are aggrieved by those Laws, by the meer dictates of Self-preservation, will be no ways wanting to throw off a Yoke they have so long so unquietly born. And if all their Helps, His Majesty (as in Reason may be expected) is so well secure of, there remain, only the Concurrence of the Church of *England*; which, if obtain'd, His Kingdom would reap the Fruit, and Himself the Honour of being the Founder of those lasting Blessings, so much in themselves the more Glorious, as that all Hands, and all Hearts, are assistant to their Creation.

But since the late Refusal of Reading His Majesties most Gracious Declaration seems to intimate the Church of *Englands* Aversion (or at least their *Leading Endeavours* to create that Aversion) to the Repeal of the Penal Laws and Tests; the Design of this Address to our Episcopal Pastors, is to examine the stress and tendency of those Laws, and truly to reason and argue with our Pious Mother the *Church of England*, why the Preservation of those Laws, either is, or ought to be, any part of her Care, and indeed, how far those Statutes, her sometimes Darlings, are in themselves either Just, Equitable, or consistent with Christianity it self; and how far she is *equally*, if not *more*, than the Dissenters obliged to abolish them. Nor shall I endeavour to urge her Consent from any *Resignation* or *Compliance* (those fainter motives of meer Generosity) to the *Pleasure* and *Will* of the King, that desires to have it so; but enforce the Argument from the Bonds and Tyes of *Conscience* and
Justice

Justice that require her Assistance to their Dissolution; and hereby illustrate the *Equity* and *Reasonableness* of His Majesties Proposal, and prove the Work it self no more than the incumbent Duty of every Christian Subject to labour to perfect. For inquiry therefore first into the *Penal Laws*, I shall make bold to trace the Grounds of their Rise and Original.

After the Death of Queen *Mary*, her Protestant Sister *Elizabeth*, being seated on the Throne, under so fair a Prospect of establishing her Religion, as having the *Half*, if not the Majority of the Nation of Her Perswasion, all Hands were set at Work for so glorious an Enterprize. But the main Engine was, That the Reformers having before their Eyes the late severity of her Sisters Reign, the Protestant Church either truly, or rather *seemingly* ashamed (as time will shew) of the Romish Cruelty, the Popular out-crys against *Smithfield* Fires, was conscious that she had no means so proper to recommend her self to the Peoples Esteem as the avoiding all those occasions of *Odium*, which had render'd the *Romish Church* so much the Object of their Aversion; and therefore the Change must be wrought and Affections won, by the opposite Extremes of *Mercy* and *Moderation*.

These Measures for a while seem'd terrible; but, alas! in few years *Indulgence* appeared a too slow-pac'd Progress of Reformation; for still notwithstanding the Encouragement of a Protestant Queen, and the Establishment of our Church, the Ecclesiastick Advances went on too leisurely, and Conversions not fast enough, to satisfie either the Churches Itch of *Power*, or Warmth of Zeal, under the looser Reins of Toleration. For whilst the Popish party were connived at, and permitted any Liberty of their Worship, their Church, though falling, could not want some few unshaken Members at least that would still follow even
its

its very Ruines ; and perhaps the Romish Priests, though thrown out of Church Preferment, could not, or would not forbear, to confirm and encourage their thin and scatter'd Party, and possibly through an indispensable (as they thought) Duty to that Communion, in which invincibly perswaded, they only expected Salvation, they might not omit either Arguments or Industry (as Opinion wants neither) to render their Religion nevertheless lovely for the Cloud it wore ; which indeed, is but natural to all Religions, whilst they think their own either the *only*, or at least the *nearest* way to Heaven.

These Remora's, how small stops soever to her advancing Glory, the Church of *England* beholding with Impatience, and repining even at her smallest Favours to the Romish Party, whilst but the least Impediments to her yet unsatisfied Ambition, (for to be *Uppermost* was not enough, unless she could be *All too*) began to think of some more expeditious way for the weeding out of Popery, and to look out for a sharper Pruning Hook than meer *Teaching* and *Preaching* to do the Work of Reformation ; set agog therefore upon Dispatch and Execution, she felt the Itch of her Forefathers, and if *Honour* and *Reputation* could be safe, she should not scruple at a little of the old-fashion'd Shamble-work to gain her Point. But considering that to punish Dissent in Religion, and barefac'd too with Death, would carry too much the looks of Old *Smithfield*, and so bestain her own long boasted Gentleness and Innocence ; she is therefore put to no little Study and Invention to over-leap this Difficulty, and accomplish her Projection ; till at last she lights upon this incomparable Stratagem to Mask her Designs, and smooth All, *viz.* to punish *Recusancy* with *DEATH*, under the black and dismal Brand of *HIGH-TREASON*. The Measures and Gradations used and made towards raising this Artful Superstructure, take in short as follows. In

In the first year of *Q. Elizabeth*, she asserts her *Spiritual and Ecclesiastick Supremacy in all Things and Causes whatever*; and creates an Oath to be tendered her Subjects for confirmation of that Power.

In the fifth of her Reign, grown warmer in that Supremacy, she imposes the Oath upon all her Ministers and Officers of the Government, even to Lawyers, Attorneys, &c. and particularly to be taken by every Member of Parliament: And the second Refusal of taking it, after a first tender of it three Months before, is made High Treason.

In the 13th of Her Reign. All persons taking upon them by Colour of any Bull, Writing, or Authority whatever to absolve or reconcile any persons, or grant or promise to any person or persons within Her Majesties Dominions any such Absolution or Reconciliation by any Speech, Preaching, Teaching, Writing, or any other open deed; and if any person or persons shall willingly take or receive such Absolution or Reconciliation shall suffer pains of Death; And also lose and forfeit all their Lands, Tenements, Goods and Chattels, as in Cases of High Treason. [A very soure sort of Grape to set their Childrens Teeth an Edge with.]

In the 23d of *Elizabeth*, This Act is explain'd and confirmed, and in fine the Person reconciling or reconciled to the Church of Rome, Priest or Lay-man, are Equally declared Traytors; and so onwards till the very taking of Orders from Rome is High Treason and doomed to suffer as such.

Ay, God knows a very just sentence if the Inditement be but true. But I desire to know by what Legerdmain is this Reconciliation made High Treason! Is either the Life or Dignity of the King or the Government, struck at by my being a Member of This or That Communion! by my believing This or That the Way to Heaven? Can Faith in God be Treason against Man! For that's the Result of the point. Can a Christians best Endeavour to save his own or his

his Brothers Soul be a Machination to destroy his Prince or his Country ; or can my praying or not praying to a *Saint*, my adoring or not adoring the *Eucharist* render me a true or not true Leige-man. If Errours in Faith can amount to High Treason, and the Government is in Conscience obliged to treat 'em as such, Lord have mercy upon us, how came the *Jews* to live with that Impunity in the Commonwealth, that instead of misbelieving in points of Doctrine, believe not so much as in the Gospel or Christ himself.

No, no, the Sophistry of the matter lyes not there ; 'tis not the Doctrine of a Romanist as to Godwards makes him a Traytor, but his belief of the Popes being *Head of the Church* in Derogation to the Ecclesiastick Supremacy inherent to, and Lodg'd in the Crown, and so religiously asserted and maintained by the Protestant Laws of the Kingdom. *Hinc Illæ Lacrymæ?* There lyes the Apostacy, the hideous yawning Gulph that swallows all, Faith, Duty, Honour, Loyalty, and consequently calls for Axes, Halters, Gibbets, and what not.

Is this the Treason then ; 'tis well we have fixt it there ; tho' upon true Inspection, the Impeachment will be found full as feeble here as before. For this is but meer matter of Faith still all this while, nor carries in it the least shadow of a Breach of the Subjects Duty to the Sovereign. For Instance, when this Law was made, suppose a poor *Roman Catholick* of those Days by an Invincible power of perswasion rooted and grounded in him by an Article of Faith (how rightfully is not the matter) received from Age to Age, and Generation to Generation in favour of the Pope, cou'd not possibly believe her then *She* Majesty by her Accession to the Crown to be instantly the *Spiritual* Head of the Church in all matters and Causes whatever, that otherwise before was utterly incapable even of so much as a Subdeaconship in a Country Parish, and if *St. Paul* may be believed

lieved, not so much as qualified for speaking in a Religious Assembly; yet nevertheless this *Roman Catholick* lived under her Government with all the Allegiance and Fealty, in all Respects of Obedience, and believed himself in conscience so obliged to do, as much as any other of her more believing Protestant Subjects, would it not be a little severe to adjudge him a Traytor.

And that the *Romish* Opinion that the Spiritual Supremacy lyes not in the Temporal Prince, is meer matter of Faith, is demonstrable from the very Sovereign Power it self, when so many successive Kings never believed they had that Supremacy themselves. For *Prerogative* is of its nature so jealous that tho' never so considerable a Jewel in a Crown had they had Faith to have challenged it theirs, they would have had wit enough to have worne it too.

What if our Protestant Kings and their Parliments for them believe that Supremacy wholly lodged in the Crown; must their *Roman Catholick* Subjects be Traytors, because they cannot be of their Belief? If the Princes Belief must be the standart of the peoples Loyalty, by the same Equity the Catholick Kings might have made it High-Treason in their Reign to assert that Supremacy in the Crown Then; as the Protestant Kings do to deny it there now; and consequently the Protestants then, (if such there had been) might by Equal Justice have been Traytors too. If Crown'd Heads must necessarily be believed the Spiritual Heads of the Churches under their Obedience, I wonder what strange stretch of Faith those Thousands of Christians must have that are born and bred Subjects to the *Mahometan Grand Signior*.

But that the Members of the Church of *Rome* may not look altogether so black for this unhappy Part of their Belief;

and that their asserting of that Spiritual Supremacy in their Pope does not any ways threaten either the Crown or the publick peace ; That wise and prudent Monarch King *James* the First shall be their Compurgator. For as many Laws as that Prince made for the Defence of the Establish'd Church of *England*, and as great Industry as he us'd for the extirpation of the Romish Religion, he was nevertheless pleas'd to allow the Pope, tho' not *Universal* Head of the Church, yet *Patriarch* of the *West* (in which precinct of consequence must *England* be included.) And if so zealous a Protestant King thought it no Diminution to his own or his Churches Dignity to be of that Opinion, and to grant the Pope that Prerogative ; what mortal High Treason against the Crown of *England* do the Members of the Popes own Church commit in throwing him in the *East* too (a part of the World not much relating to us) into the Bargain ; and so making him *Universal* Patriarch. *Jacob. Contr. Perron.*

But some People will tell you, 'Tis almost an Impossibility to fancy any such things as Principles of Loyalty in a Romish Subject to a Protestant King.

I shall not endeavour to confute this uncharitable Censure, by the *Universal* Heroick Examples, of that Parties Loyalty in the Battels of *Charles* the First ; so truly may I call it *Universal*, that upon Petitions made to *Cromwell* for his Clemency to the Roman Catholicks, he was observed to challenge them to prove so much as one Man of that Religion that had ever fought for him or served him. But to wave that Plea, How are we sure that the Romanists are guilty of Traytorous Principles ! Do's any man of them own any such Principles ! No, sure they have more Wit than to talk Treason, and be Hang'd for it. If they are so hardy as to do that, we have other Laws to noose 'em without the help of Penal Statutes. Do

Do they then commit any open Act of Treason! Let 'em do that if they dare. If we once catch them 'em at that Game the Government has 'em fast enough by the Heels and the Necks too. Nor is that the Treason, that these Statutes pretend to arraign. Who ever heard of any Overt act of Treason indicted by the 13th or 23d of Elizabeth.

Then, if neither *Speaking* nor *Acting* of Treason be the Capital Guilt these Statutes are levell'd at; then *Thinking* of Treason must be the Crime. A Roman Catholick then be-like is such an offender, that by the very Affections of his Soul cannot be Loyal to the Crown; and to prove all this mortal Accusation infallibly true, the Protestant Wisdom has by *Divine Inspiration* form'd a Law to arraign and condemn the very *Thoughts of the Heart*, of which God only can be Judge.

In fine, if the Government can make matter of Faith, nay even thoughts Themselves High Treason, when their Hand was in they might e'ne as Lawfully have made it High Treason to eat too. For if the firm Belief in God, and the zealous Worship of him by the Best Light of a Christian Conscience, be either the *Bread of Life*, or at least the means to get it, as we are so taught, the same Legality that can condemn the one may exclude the other too.

To this they'll say, 'Tis true indeed a Lay Romanist is a more excusable, and that part of the Statute that affects him is a little hard; however 'tis very strong, and nothing but High Justice, against the Romish Priest; for here are visible Overt-acts of Treason: As taking of Orders from Rome, in themselves little less than Damnable and Diabolical, and undoubtedly Antichristian, as received from the Papal See, the very seat of Antichrist; and then returning home again expressly a-

gainst the Commands of the Law ; All which outrageous Transgressions are but reasonably declared High Treason, and justly exposed to the severest of punishments under the Legality of that Denomination.

To this Thundering Charge, as big as it sounds, I shall only make this short Reply.

If the Church of *England* has and always does admit a Convert Romish Priest into the Protestant Clergy, without any Reordination to capacitate him for that Admission, as we need look no further than to the constant practice of the Church, (without so much as one example to the contrary) from the very beginning of the Reformation; how unjustly are taking Orders from *Rome* charged with High-Treason ! If the Orders from *Rome* be in themselves Holy and Sacred, how are they Damnable, or Anti-christian ? And how the taking of them High-Treason ? If not Holy nor Sacred (as if High-Treason in the very receiving of them they cannot be) does the Church of *England* entertain Pastors into her Ministerial Function unconsecrated for the Divine Service of God ? God forbid ! No, the very Practice and Concession of the Church in this Case does so confront the palpable Injustice of this Statute, as nothing can be plainer. And how Black, how Capital, or Trayterous soever the Popular Calumny, or the Protestant Law-makers had occasion to make these Romish Orders, under all their loads of Guilt, they stood upright enough not to want the Crutch of an Act of Parliament, as some others have done (as much more Sacred as they are) for their Support and Confirmation. And if such are the Romish Orders, and the free choice of our Belief in God, and the Church we hope to be saved in, be in our own Election (for our own Souls are answerable for it) by the same Liberty of choice

choice why may not a man be either a Member or Pastor of the Flock he chooseth, as his Abilities to serve God in either station shall dictate to him. And if no such Holy Orders be to be had and received at home, why is it Death to seek for them abroad? And why are men banish'd and excluded from their Native Right in the Kingdom in which they are born, for only endeavouring to secure themselves, their no less Native Right in that of Heaven?

One observation in the Statute of the Fifth of her Reign I had almost forgotten, not a little worthy Remark. In this Statute where the *Incapacity* of taking the Oath of the Queens Spiritual Supremacy (for a Refusal of an Oath in that Case is only a *Conscientious Incapacity* of taking it) is made High-Treason, in one Clause of it the Queen is pleas'd to tell us, *she is so sufficiently assured of the Faith and Loyalty of her Temporal Lords, that this Act, nor any thing contain'd in it, shall not extend to her Barons, nor the Oath to be imposed upon them, &c.*

What Contradictions and Cobweb Laws are here! A Commoner, belike, for his Incapacity of taking that Oath, is guilty of High-Treason: But a Baron so incapacitated is a very *faithful and Loyal Gentleman*; as if they were not both of them *equally Subjects* to the Crown, and equally Criminal in any Transgression against it. 'Tis true, had the particular Favour and Indulgence of the Government resolv'd to exempt a Peer from the *Penalty* of this Law, it had been something; but to discharge him *eo nomine* from the *Guilt* too, makes the whole Statute such an *Arbitrary* Declaration of Treason, that both the Compilers of such Laws, and the Defenders of them, ought to blush at. But as whole as the Barons kept their Scutcheons in this Statute, they came in for a knock in the 13th of her Reign, being in that Statute Indictable for Delinquency against it.

What

What *Rubbish* is here put together to build the great *Fence* of a *Church* with! But our Church has at least this *Apology*, that it does not pretend to *Infallibility*. And who knows but the Jargon of these, and the rest of her *Penal Laws* might be *wilful Oversight* on purpose to make out her Assertion to the World, and prove her *Fallibility* true.

But to come to the full Result of all: Here's the *Church of England* so *poorly prevaricating*, as to follow those very steps, which with all her highest Noise and Exclamations she pretends, are her greatest Detestation and Abhorrence. And whilst the more frank and generous Romanist Enacts and Executes his Capital Laws against *Herefy* from *his Church*, under the downright Name of *Herefy*; our poorer spirited Protestant Law-makers, are for punishing *Herefy* from *their Church* under *Masque* and *Disguise*, obtruding their Penal Laws upon the World under the meanest of *Hypocrisy* and *Imposture*.

And to be plain with our later Protestant Law-makers, the *Shamm* past so current then, that it has been practised ever since. Is there any one Law made against our later Nonconformists whose preamble does not run upon this Topick, the Breach of the Peace, and the undermining the very Foundations of the Government; and all for deserting the Church of *England*, and meeting in their own Religious Assemblies, to offer up their Prayers and Devotions to God according to their Consciences. Was there ever a late Conventicle disturb'd with any other Warrant than as *Riotously and Routously assembled*, and thereupon punisht with Fines, Imprisonments, and Sequestrations; sometimes even to the Ruines of whole Families. Does not the same *Masquerade* run through all the Penal Laws? And the very
meet

meer meeting to Worship God charged with no less than *Sedition* and *Tumult*.

But wherein lyes the *Sedition* and *Tumult*? Was it in their so meeting? No, sure. For as the Intention makes the Guilt, the Intention was only a *Religious Worship*, and not a *State-disturbance*.

Was the *Sedition* then in the *Doctrines* they Preach'd? If so, why was it not proved against them? Their Meeting-House Doors stood open, and their Enemies were both potent and numerous enough to hear and detect any Seditious Design or Doctrines against the Crown or State. And the Law was furnisht both with Rods and Axes, to punish any Crime of that kind according to its Demerit, before the Penal Laws were so much as thought on.

No, tho' that was the *Pretence*, it pincht not there. The Dissenters grew too numerous, and the Church of *England* began to see her Grandeur shrink, and her Dominion lessen, and therefore her *Old Arts* must once more be her Refuge. The Nonconformists must be crusht and suppressd, and to avoid all imputations of *Oppression* and *Cruelty*, *Sedition* and *Riots* must be the charge against them, and the Law gilded over with that fair *Title* to make it *swallowable*. 'Tis true, indeed, the Law here did not reach to Death, however it took care to make their Purfes, if not their Veins, bleed for it, and that too sometimes with so total a Drein, that whole Families have been reduced to the condition of starving, which is the very next door to it. And all things consider'd, Liberty next to Life is so dear, that whole years of noysome Imprisonment have been very little the easier punishment.

Having

Having given you this true Pourtrait of our Penal Laws, I shall only add some few Lineaments more, and so finish the piece. And to make a farther Ballance betwixt our selves and *Rome* in that point, how *unchristian* or *unwarrantable* soever all such Penal Inflictions for meer Conscience may be, the Church of *Rome* has, or at least fancies she has some little Pretext for such Laws. For under her famous Tenent of *Extra Ecclesiam nulla salus*, and her Confinement of Salvation only within her own Boundaries, she may have sometimes consented to the Practice of now and then cutting off a *stray Sheep*, to terrifie the rest of the Flock from leaping the Fold, as imagining to her self in so doing, and in now and then Sacrificing one or two *lost Sons of Perdition* (for such she accounts them) and thereby lopping off some corrupt Member already past hope of Redemption, she only secures possibly the whole Body, as she thinks, from *Apostacy* and *Damnation*. And consequently such exemplary Acts, though of the greatest Rigour, are only intended as absolutely necessary for that Great End, *Universal Salvation*. But, alas! our more *Charitable* Church that pretends not to bound the Grace of God, but by a larger latitude and more extended Operation of the Blood of Christ, *Equally* allows Salvation to true Zeal and Piety in *both* Churches, and indeed in all Christian Professions: Under all this Concession, I say, our Protestant Church utterly wants this Loop-hole, and upon true Examination will be found wholly *inexcusable*, if not *impardonable*. For in executing of her Sanguinary Laws in punishment of meer matter of Conscience, she cuts off, not like *Rome*, the supposed Members of *Perdition*; but even those Professors of Christianity, which by her own Confession may be equally with her self the *Sons of Grace*, and *Cobehrs of Salvation*.

Nay,

Nay, I'll venture to add one *bold Word* more, because a *true* one. The Church of *England* in her *once executing* of her sanguinary Laws, is undoubtedly guilty of more Barbarity than the ten Primitive *Heathen Persecutions*. For in all cases of Suffering for Religion, 'tis an undeniable Maxim, That *He that makes the Martyr least thinks he makes him*. The bloodiest *Pagan Tyrants* in all their studied Arts of Blood and Christian Massacre, did not believe that they butchered the then only Professors of *Truth* and Heirs of *Heaven*: But on the contrary, in Devotion to their own *supposed true* Deities, they thought they only executed *Apostates*, *Blasphemers* and *Infidels*; for such they accounted the Christians as profest Deserters of their Heathen Gods and Sacrifices: Nor is the forementioned *Romish* Case much different, as lying under the unhappy Belief of Hereticks irreparable State of *Damnation*. But all this while our Church of *England* (I am sorry to her Shame it must be spoken) out-do's the very *Heathens* themselves, in enacting and executing those Penal Laws, by which she cuts off those very Members of Christianity, who (if true Zealots in their Profession) she owns are in the number of the *Elect of God*: And if any true Zealots amongst them, those certainly that have *Courage* and *Constancy* to *DIE* for their Religion, are not the least of them; and consequently she cannot deny, but in executing those Laws, *she both makes the Martyr, and knows she makes him too*.

And if she's so blameable in her Severity against the *Romanists*, much more criminal must her Rigour against the Dissenters be, whom she owns to differ from her self in little more than *Ceremonies* and *Punctilio's*.

Nay, the Ferment has sometimes boyl'd so high, that our Protestant Church has put her Zeal upon the stretch to find means to vent her Indignation, when some of those very Laws against *Recusancy* have been extended against the *Protestant Dissenters*, and the *greatest part* of their Sufferings received from the Lash of those Laws. I shall not pretend to dive so far, as to ascertain whether that *Comprehension* was originally *design'd* by those Laws, or otherwise an *artificial Superstructure* to serve a *State turn*; but either way the severity of those Laws is not a little notorious, where so trivial Matters of Dissent in Religion, as has been said before, have been so cruelly treated.

But if our Protestant Church cannot possibly be reconciled to *Liberty of Conscience*, and therefore these Laws were her Weapons against it, her more generous way, at least more agreeable to a Christian Profession, had been first fairly to have overthrown it by *Dint of Argument*, before she had made use of *Dint of Steel* to do it by: And for that purpose, I wonder how that famous Bishop *Taylor* has past for so great a Doctor of the Church all this while, and his Treatise upon that subject call'd *Liberty of Prophecyng* not yet answer'd; or at least the Author under no small *Ecclesiastick Fulminations* (if no other way to answer it) for so terrible a Blow against the Churches long main Favourite Bulwark, her *Penal Laws*.

'Tis true, some People will object, *What are all these Laws to the CHURCH, when enacted only by the Civil Power as an Expedient for its own Security and Defence, and therefore warrantable and lawful; nor in any respect are chargeable upon the Ecclesiasticks.*

Alas!

Alas ! this is such a feeble Objection, that 'tis scarce to be named without Blushing : As if the Clergy did not act in Parliament by their *Representatives* ; nay, the very Bishops sitting there in *Person*, assenting to, and undoubtedly little less than *Original Founders* of those Laws. But grant it, as they say, the meer Establishment of the Civil Power : The Clergy by owning the *Justice*, and asserting the *Necessity* of such Laws for Defence of their Church, the Lay-Power in this Case is little more than the Cats Paw to rake out the Chesnut. Nor are the Civil Rulers and Temporal Power of a Christian Government any ways more authorised to outgo the Gospel Moderation and Clemency for any Politick Consideration whatever, than the more immediate Oracles of Truth the Preachers themselves.

And this the great Legislators of those Penal Statutes very well knew, and therefore as I told you before, they *cunningly converted* Recusancy into *High Treason*, and Non-conformity into *Riots* and *Routs* ; to find something, tho but *seemingly* justifiable for the Fangs of their Laws to lay hold of ; and so *boulster'd* up their Penal Statutes to make them able to *walk upright*.

I'll only put this one Question to all the Doctors of our Church : With what *Conscience* can a Church that owns it self *Fallible*, establish Laws to punish Dissenters in Religion, when by her own Concession of *Fallibility*, she neither has nor CAN have any Certainty or Assurance (how strong soever she *thinks* or *hopes* her own Foundation) but that she punishes those that possibly may be *more* in the Right than her self ; more especially, in those Professions that found their Dissenting Doctrins on her own *Basis* the Scripture ?

I cannot tell what Equity wiser Heads may find out for the Ordination of Penal Laws ; but truly in my Opinion, the Great *Prince of Peace* that reprimanded the Drawing of that Sword that cut off but the Ear of the High Priests Servant, tho in his own immediate Cause, very little intended the raising his *Church*, or the propagation of his *Gospel*, by either *Axes* or *Gibbets*, or *Gaols* or *Dungeons*. And He that left us the Standard of Christianity in the *Innocence* of Doves, never commission'd us the *Rapine* of Vultures ; and though we are conceded the *Subtilty* of Serpents, I know no warrant that he gave us either for the *Stings* or the *Poyson* of them.

And tho my Zeal for Truth makes me thus plain in detecting the only Shame and Frailty of the Reform'd Church, I hope she has Goodness enough to forgive the Boldness of a Blushing Son, who is no otherwise solicitous than for her covering her own *Nakedness*. And that I may truly term it such, the Reformation that otherwise may boast her Purity and Principles only founded on *Holy Writ*, and all the rest of her Doctrins and Practices derived from those sacred Oracles, will be only found tripping *here* ; and in all her support of Scriptural Records in all other Points, I am afraid must have recourse even to the exploded Authority of *TRADITION* only for her *Penal Laws*. For I shrewdly suspect that *Lollards Towers* and *Inquisition Houses* (let her mince it as she will) will be found the *only Precedents* for the Estates she has confiscated, the Families she has beggar'd the Gaols she has fill'd ; besides her sometimes loading of Gibbets, and ripping up the Bowels even of her own Co-Disciples, because *Dissenting Professors* of Christ, and all by her Penal Laws.

Nor will it suffice for an Excuse to insinuate that the Establishment of Religion and Conformity of Worship on one side, and the Preservation of Peace and Tranquillity of the

the State on the other side, exact the necessity of such rigid Laws. [Though by the by, the Peace of States is rather *destroy'd* then *upheld* by such Laws ; for what Civil War in almost all the Christian World, that directly or indirectly has not had the Oppression of some Religious Party, its greatest, if not only *Incendiary* ?]

No ; to gain the first of these great Ends, let the Teachers and Professors of our Establish'd Church live up to the height of their Profession, and re-call the Wanderers, and reduce the Strays into the Fold by their own convincing Examples of Christian Piety ; a much more commendable way of making Profelytes than the foremention'd rigid Arts of Conversion. And for the second great End, *the Government's Security*, if her Temporal Fences are not strong enough, let her make stronger ; and if any of her Dissenters are the disturbers of her Peace, let her single out the *Guilty* from the *Innocent*, and wreak her just Vengeance where 'tis *deserved* ; and not punish the Dissent it self (which as being meer matter of Religion, is wholly incapable of such Crime) for the sake of any corrupted Members, that either *are of*, or *Herd under* the Covert of such or such a Congregation of Christians. For to do that work by the undistinguishing merciless Hand of her Penal Statutes, is so little conformable to the Evangelical Precepts, that I am afraid the doing such *notorious Ills* that *Good* may come of it, whatever Religious Security, or Gospel Propagation may be intended by them ; these *Penal Laws*, I say, that can swallow the *Estates*, *Fortunes*, *Liberties* and *Lives*, of their weaker Brethren and fellow Christians, instead of being either *Christian* or *Just*, or any ways related to 'em, will at last appear much nearer of kin to that famous Rover that wanders round the World to seek whom he may devour, inasmuch that their Ordination will be found little less than borrowing Engines from *Hell* to help to set up *Heaven* ! Now

Now to the Case of the Church of *England*, if these are her Penal Laws (for I shall not trouble my self with a tedious recital of the several Statutes of that nature, as being all but *Scions* from the same *Root*) I should gladly know what Beauties or rather *invisible* Charms the Church of *England* can find in these Statutes to be in the least solicitous for their preservation. For, alas! maugre all her Volumes written upon the Unreasonableness of *Separation* from her Communion, and her Justification of her zealous Indeavours for *Conformity*, unless the Means and Methods used to obtain it (as these Laws were intended for such) be *equally* Justifiable, her whole Pretensions fall to the Ground.

Nor will it excuse her to say, that they were chiefly enacted *in Terrorem*, as being but seldom put in execution; as if a studied ill Deed were therefore more excusable because committed, suppose but once in an Age; when a foul Act for that very Cause, should rather appear the more deform'd, as 'tis the Rarity that makes the Monster.—Besides, *Queen Mary* had that Plea to make; for what were 206 Protestants even by *Foxes* Muster-Roll, burnt for Religion in her five years Reign, to the some millions of Protestants in those days, when half the Kingdom was of that Persuasion? an infinite larger number to cull out so many Sufferers from, than all the Popish Priests that *Rome* has sent over these 130 Years past, or shall do in as many more to come.

To return therefore to His Majesties Proposal of Abrogating these Laws, 'tis a greater Duty upon the Church of *England* to abolish 'em than in the Dissenters themselves; for as 'tis a Yoke imposed upon their weaker Brethren, in it self wholly unjust, the *Sufferer* under that Yoke in endeavouring

vouring to break it, only acts by the Motives of *Self-defence*, the common Principle of Nature: But the *Imposer* of that Yoke is tyed by the Obligations of *Religion* it self, to repeal and repent his own *Act of Injustice*.

Besides, if all Arguments of Conscience cannot prevail; and *Policy*, not *Equity* (though Heaven forbid so uncharitable a Thought) is our Churches Guide; yet, even then too, What do's she yield up in abolishing those Laws? Why, truly nothing. For whilst the Government continues in the Hands of a Prince of the *Romish* Religion, those Statutes will utterly lye dead; for the *Royal Indulgence*, a Prerogative in the Crown, will never put them in execution: And if abolisht, however the next Protestant Prince has the power of *Resumption*, if his Conscience shall think fit to give them a Resurrection. What reason therefore has the Church of *England* for her Nonconcurrency to a Proposal so equitable, when she has not so much as the least Pretext even of meer Interest it self for her Refusal?

But this I am sure, as the Church of *England* can have no solid Reasons to oppose their Repeal, the *State* has very substantial ones to enforce it. For as *TRADE* is the greatest support and strength of a Kingdom, I know no Politicks so conducing to the Commerce and Wealth of a Nation as *Liberty of Conscience*. What greater Encouragement to *Naturalization*? And *England* that is not overloaded with People, can have no fairer Inlet to bring in whole Families and Estates, and indeed the Wealth of the World (besides the opening that Current of Commerce even amongst our present Natives, which the late Restraint of Worship had so much shut up) than *Liberty of Religion*. Nor can I better instance the Effects of this Policy than in the growth of the

the *Dutch Greatness*, and the decay of the *Spaniard* from their different Extreames of National Conduct in that Point.

I am certain His Majesty resolves to eternize his Glory, by being the truest *Pater Patriæ* of all the Crown'd Heads since the Conquest ; nor has He a fairer Prospect of making His Kingdom a true *Paradise* of *PEACE* and *PLENTY*, but by taking this Pattern at least from the *first Paradise*, that is, by making the *Lion* and *Lamb* lye down in Peace together ; our long Disunions being no otherways to be reconciled, and our Enmities hush'd but by this only *Universal Pacification*.

I shall only add this last Consideration. The execution of our Penal Laws and the restraint of Conscience, has been the greatest Blow that ever was given to the *Hereditary Right* of the Subjects of *England*, their natural *Properties* and *Immunities* given and sealed to them by *Magna Charta* it self. For who can call his Liberty or Estate his own, whilst a *Superiour Opinion* in *POWER* shall seize our *Persons* and confiscate our *Estates*, for no other cause but difference of *Worship* and *Faith* ; and neither Person, Estate or Liberty, redeemable under a less Composition than *renouncing of God* ; for Conformity of Worship absolutely against Conscience is little else. And all this Capital Offence so *unfixt* and so *undeterminable* a sort of Transgression, that a Man has only a meer Lottery to be in the *Right* or the *Wrong* : For the blackest Criminal in *one* Reign has been the whitest Saint in the *next*, and so *vice versa* over again, witness the Reigns of *Edward* the Sixth, *Queen Mary* and *Queen Elizabeth*, where the Protestants were the Devils one while and the Papists another : Nay, in the Reign of *Henry* the Eighth, both Papist and Protestant were at *one time* in the wrong :
For

For 'twas remarkable in his Reign, that in the same day have Papiſts been hanged for *Traytors*, for diſowning his *Church Supremacy*; and Proteſtants burnt for *Hereticks* for denying of *Tranſubſtantiation*. Thus in their turns have all Religions and Opinions lain under the Scourge of the ſevereſt of Laws, and all for want of that Obedience to a *Law*, which Humanity it ſelf is utterly unable to pay. For though our Breach or not Breach of all other Laws, either Humane or Divine, lyes in our own free will and choice: To conform or not conform to this or that Belief, is wholly above the power of Man; *Faith only being Irreſiſtible*. And if our worldly Well-being, and all we enjoy in this Life, depends upon ſuch *capricious Decrees* of Law, certainly the Great Charter of our Liberties and Eſtates that confirm'd 'em both under no ſuch *Condition* or *Reſtriction*, is not a little invaded by the Penalties of ſuch Laws: And I cannot tell what greater or more glorious Deſign His Gracious Maſteſty can undertake, than by repairing ſo deep a Breach wrought through the very *Fundamentals* of his Peoples *original Freedom* and *Birthrights*: Nor is there, or has been a greater *Friend* or *Patron* of the Church of *England* than His preſent Maſteſty, who himſelf *alone* tenders Her the Means and Opportunity to waſh off thoſe long *Stains* and *Blots*, which either the *petulance* or *remiſſneſs* of Her Proteſtant *Defenders* of *Her Faith*, through theſe Penal Statutes have caſt or left upon Her, and ſo to reſtore Her to *Whiteneneſs* and *Innocence*.

Having made this fair Inqueſt into the *Penal Laws*, I ſhall take a little Search too into the *TEST*, and lay down thoſe Reaſons that equally oblige us to concur with His Maſteſty in a Repeal of that too.

In order to which, it behoves us first to sum up all the great and popular Arguments (if I may so call 'em, tho in reality rather the Language of *Fears* and *Jealousies* than the Voice of *right Reason*) daily urged for the Preservation of the *Test*, viz. *That the whole Defence of the Protestant Religion relies on that Basis. If the Test were once abrogated, the Church of England would soon be blown up, when all Offices both Ecclesiastical and Civil, and all Power and Authority both in Church and State shall be lodged in Roman Catholick Hands; and what not?*

To answer which hideous and formidable Outcry, we'll begin first with the pretended Dangers threaten'd the *Church of England* by Repeal of the *Test*. Not to insist upon His Majesties reiterated *WORD* and *HONOUR*, His inviolable Engagements to maintain the Church of *England* as now by Law establish'd, in her uninterrupted Rights and Priviledges, all her Churches and Church-livings whatever thereunto belonging, &c. in it self alone no little Security. But waving that Plea, the Ecclesiastical Government and the Church of *England* neither are, nor can be shaken or toucht by the Abrogation of the *Test*, the *Test* being indeed no part of her Defence. For first, the very taking of the *Test*, is no part of the Qualification of any of the Clergy of *England*, nor was ever so much as mention'd or thought upon to be impos'd or tender'd to the Clergy: No; as jealous as the Founders of that *Test* were (or pretended to be) of the Danger of Popery, and as zealous as they could be for the Security of the Protestant Religion, they very well knew the Church of *England* had two impregnable Bulwarks, the two great Acts of *UNIFORMITY* that themselves alone sufficiently establish'd, guarded, and preserved the Church of *England* in all Points without any Fortification

tion from the *Test*; nor indeed was the *Test* wanted in the Ecclesiastick Administration, those very Statutes being a greater and stronger *Test* before: For by those Statutes is the whole Liturgy, the Administration of the Sacraments, and indeed all the Canons and Articles of the Church supported: For by the Fence of those Laws, first, no *Romanist* can possibly be admitted into the Clergy unless under the most damnable *Hypocrisie* (which no Human *Test* can discover) an *Hypocrisie* too no ways beneficial to the *Romish* Cause whilst tyed up to the Divine Service as now by Law establishd. Secondly, No other Divine Service, as the *Mass*, or the like, can be introduced into our Churches already constituted or assigned for the Divine Service of the Church of *England*.

The strength of these two Laws His Majesty very well knows, and is so far even from the *Thought* of hurting or infringing the least Particle of either of those Laws, or the Security our Church has, do's, or can receive from them, by abrogating any Penal Laws or Tests whatever, that on the contrary there is not undoubtedly that farther Confirmation of those Laws, and the Religious Observance of them, or any thing conducing thereunto, that may or shall be offer'd to His Majesty in Parliament, that His Majesty shall not readily assent to, and as inviolably maintain.

If then the Church of *England*, Her Administration and Government (as 'tis plain) stand of themselves alone secure and firm, without any borrow'd Prop or Support from the *Test* whatever the *Test* therefore is only a Buttrice (or at least so intended) to the Civil Magistracy; as first, *Excluding all* Roman Catholics from all Offices of Trust in the State. Secondly, *From all Domestick Services near the Person of the King*. And Thirdly, *From all Right to Session in Parliament*.

These three Incapacities are by the *Test* thrown upon the *Romanists*. And for confuting all Suspensions and Jealousies, let us examine how the loosening of all these three Restrictions can tend to the Subversion of the Protestant Religion as now by Law established.

In the first place, as to the Civil Government: What Office in the State can a *Roman Catholick* hold, any ways empowering him to prejudice the Church of *England*? Suppose even in the *Courts of Judicature* (for if any Apparition of any such Power, 'tis there;) Were *Romanists* (imagine) in all those Offices? Why may not a *Sir Thomas Moor* be as honest as a *Lord Chief Justice Hales*, and execute his Office with as great *Integrity* and *Justice*? Why not Men of equal Abilities be of equal Uprightness in all Religions? Besides, the Distribution of *Meum* and *Tuum* (more especially when Liberty of Conscience shall be past into a perpetual *Law*, and all Penal Inflictions for matter of Religion thrown out of their Jurisdictions) will then be the whole Business that lyes before them; and wherein is a *Roman Catholick* Judge any more incapacitated for the administering of Justice than another Man? Moreover, in a Kingdom where their number is so truly inconsiderable, as scarce the Two hundredth Man in the Nation, if they have hopes of making any *Converts* or any *Indeavours* that way, it can only be done by holding the Scale of Justice upright, and in all Posts of Trust by keeping up the steadiest Standard of Right and Equity, as the only means thereby to recommend and endear themselves to the World, and wipe off those Blemishes that the *mistaken Jealousies* and *Popular Misapprehensions* have so long so unkindly cast upon them. And This, and This *only* they are very sensible is their Chart to steer by; and their Great *Pilot*, their Royal Master, the best read Student

dent in the Arts of Empire that possibly ever graced a Throne, equally knows to be His only Course, and undoubtedly as sacredly resolves to make it so. And if the Judges of the Land suppose of the *Romish* Religion (besides their Oaths that bind 'em, and His Majesties Honour that shall influence them to it) have these Obligations more and above even of *INTEREST* to their very Religion it self, to move in so regular a Sphear of Justice, where lyes our Danger? And if this higher Station will be so In-offensive, what can the poorer Justices of the Peace, or the inferiour Subministration of the Government signifie, in Popish or not Popish Hands?

But in this Case I have heard some People say: *Alas! What stretch of the Laws will not such Judges make? Perhaps for instance, pick a hole in the Abby-Lands, and start some dormant Title or other to revert them to the Church of Rome; a Patrimony that will not a little enrich the Romanists and advance their Cause.*

This idle Objection was scarce worth naming; as if the stretching of our Laws in that Point was not as notorious and *Arbitrary* as a *total* Violation of the Subjects *Right*, and rending the whole Frame of the Laws in sunder. But to check this idle Surmize; If a *Romish* Parliament it self in the Reign of *Queen Mary*, with the very Restoration of the *Romish* Religion and *Papal Supremacy* into the Saddle, never so much as *attempted* to revert those Lands: Nay, on the contrary, their whole Title was confirm'd to the present Possessours by a *Decretal* from *Rome* it self, as was then so solemnly done by *Cardinal Pool*, the then Popes Legate: How groundless must the Fear be of any Thought or Attempt of reverting them now? Or why must the *Romish*
Judges

Judges in any kind subvert or undermine the Laws, contrary to all their best Politiques in the present State of *England*, to no true advantage either to themselves or their Church, and possibly to be answerable for it with their Heads, if they live to the next Protestant Prince.

To come next to the *Officers of his Majesties Household, &c.* To have those Posts too barricado'd with Tests, and the Imperial Dignity so shackled, as to be debarr'd the Choice of its own *Menials*; nay, even of its *Conversation* it self, is an Insolence put upon Majesty, as had been scarce tolerable from an Ordinance of Forty eight, much less an Act of Parliament. But for our less Wonder at it, we are to consider 'twas Hatch'd in the same *Republick Nest*: for no less than the great old Patriot of *Three Names* sate for the brooding of it.

I think I need not raise Arguments to prove how little those Gentlemen of Honour, the Courtiers I mean, of any Religion whatsoever, in that innocent Station are, or can be concerned in shaking either *Church* or *State*. It is enough to say that greater Indignity under the Sanction of a Law, was never impos'd upon a Crown'd Head. The meanest Gentleman in *England*, whilst this Test keeps Footing, has a Prerogative above the King. For the choice of his Steward, Bayliff, Attorney, or Solicitor, &c. are in his own free Election: But these were Priviledges thought too large for a King; and therefore he is Strinted and Bounded to such Elections, as the more Imperial Wisdom of His *Great Masters* in Parliament judge fittest for him.

Monarchical Rule is said to be like that of Heaven, where the *Primum Mobile* acts altogether by *inferior Sphæars*, and *second Causes*. And so Majesty by its Officers and Ministers, as so many Vehicles, by which the Influences of the Royal Power are Convey'd, to set the *Great Machine* a moving: But truly this Ascendancy the late Law-makers, judged

judged too great for the King of *England*; and therefore they found an Expedient to render the Monarchy little more than *precarious*, making the whole Ministers of the State the Creatures of the Test, and not of the King.

Now I desire to know how in Reason we can imagine, that a King, in himself the Fountain of *Honour*, and Original of *Power*; though in his Nature, the Mildest and best Temper'd of Princes; though without the least *Thought* of Unhinging the Frame of the Government, or Disturbing the Settled Church of his Kingdom; to blast his own Glory, and lose his Subjects Hearts; (for that would be all the Crop 'twould yield him;) I wonder I say how we can imagine, that the Best and most Gracious of Princes, tho without the foremention'd Designs, could nevertheless brook so *Unprincely a Toke* as the Test.--- And truly to justify his Majesties heartiest Endeavours against both Penal Laws and Test, in not labouring to abrogate the first, as they stand in Force against the Lives and Liberties, (and how *unjustly* has been proved before) of the Members of his own Communion, he would be the most *unnatural* of Men; and in not labouring to repeal the last, as standing so egregiously in force against the Right and Prerogative of His Crown, and indeed originally forged in Affront to himself, he should be the most *Dishonourable* of Princes: Nor will it serve to object, that His late Majesty (whatever diminution to the Prerogative it might be) by passing it into a *Law*, has *alienated* that Power from the Crown. For to answer that Argument, we are assured, that whatever Alienations of that kind the Easiness of the present Possessor of the Crown, or any other Reasons may induce him to make, are no ways truly binding to the Successor.

Now to come to the last Point, the Qualification of Members in Parliament by the *Test*: And first, I shall not so much insist

insist upon the notorious Invasion of the Birthright of the Peers by this Exclusion from Parliament, as being a Point already so well handled by better Pens, and never yet answered; nor shall I so much insist upon the *Illegality* and *Unreasonableness* of Tests in general of any kind, as was once argued in Parliament by the Lord *Delamere* in opposition to a Test proposed by the Earl of *Lindsey*, a Test, which (though not thought legal to be imposed as such) contain'd no other than the highest Obligations of Loyalty that every Subject owes to his Prince. But if the making of Tests in Parliament, which with the Sovereign Consent (as Kings are but Men, and sometimes the Exigence of Affairs, may extort the Royal *Fiat*) lyes in the Majority so to do: Suppose the Forgers of this *Test* (for by the by they were none of the best Friends of the Church as now by Law establisht) had follow'd their Blow, and form'd a second *Test* to deny Episcopacy to be *Jure divino*; a Dispute much bandyed in those days: Here had the Bishops been thrown out of the Parliament, if not the whole *Hierarchy* out of the Kingdom. And so by Tests *ad Infinitum*, how might the *Basis* of the whole Government been overturned, and the very Houses of Parliament dwindled at last, to the scandalous Dimensions of the old fashion'd *Rump*. For if one *Test* to exclude a *Score*, why not another to lop off a *hundred*? And indeed, how are our present Parliaments the *comprehensive Body* of the *Nation*, when so many of the Peers, not there by *Representatives*, are shut out? Nay, how much is the *Dignity* of the Laws they make, and the very *Constitution* of our later Parliaments themselves impair'd and lessen'd by such an Exclusion?

But to come to the main Business, *viz* to obviate the greatest and terriblest Clamour of Fear and Jealousie against the Repeal of the Test, *viz*. *If the Test were destroy'd, who knows but Parliaments may be so managed as to turn out the Church of England, and set up Popery even by Law it self?* This

This indeed is the *Gorgon*, that frights half Man-kind out of their little Senses. But where, or how is this Popish Parliament to be gotten, (for a Protestant one will hardly be so Complaisant :) But to search out every Cranny that this imaginary Danger is supposed to creep in at, Let us examine the *House of Lords*, and try their Inclinations that way.

If the Test were laid aside, and the excluded Lords restored ; what would their Number signifie ! At our last Parliament, the Protestant Peers amounted to 160, and the excluded Romish Barons (nor are they much increased since) were not a Tenth of their Number. So that here's an absolute want of a Prodigious Creation of Romish *Barons* to rise to a Majority ; Nay, and of so many *Estates* too, to support the Grandure, as possibly would stagger imagination it self to find a Treasure, enough to purchase : for so many *New Dignifications*, especially of *Gentry*, or *Landed Men* to start up *Lords*, among so thin sown a Party, would put 'em damnable hard to it. But for once, grant such an Extravagant Donation of Honour, and such *Golden Mines* to maintain it, might form a House of Lords capable of over-ballancing on the Popish side ; where shall the *House of Commons* be had ? for without *both* they do nothing ! They would go nigh to find such a *Dead Weight* in the Lower House, as all the *Tuggs* of Rome would never be able to stirr ; and this stupendous Parliamentary Subversion of the Church of *England* a *Phænomenon* only in *Nubibus*.

A *Popish House of Commons* too ! Alas, they'll tell you, very easily. Has not the King for instance, got a new way of *Regulating Corporations*, Nay, has he not (or will do before next Sessions) already Modell'd all their Charters, and undoubtedly left few or none, either *Citizens*, *Burghers* or *Free-men*, in whom the Election lies, but such as are his *Friends and Creatures*.

E

Very

Very Well : Suppose he has, or will take Care, to the best of his *Endeavour* or *Power*, to Establish Corporations to his own *Hearts liking* : After all, where shall there be *One* Roman Catholique in all the next Election ; and what shall these *Creatures*, (if you'll have 'em so) do more than Choose every *Numerical* Member a *Protestant* : For till the Test be Legally dissolved, they must *all* be so. And truly what if this next, tho' Protestant Parliament, out of an Abhorrence of the *Unchristian Barbarity* of the *Penall Laws*, shall do themselves, their *Posterity*, their *Country*, and His *Majestie* Justice in dissolving them ? And what if likewise their true Sense of the most servile *Imposition* that Imperial Dignity ever bore, their *Tenderness* for His Majesties *Honour* and *Prerogative*, together with their *Gratitude*, for the *Plenty* and *Peace* His Reign has Bless'd them with, shall incline them also, to break those Fetters of the Crown, the *Test* ; and all no more than *High-Justice* and *Right Reason* shall oblige them to ; Must it therefore follow, that they shall do themselves, their Families, their yet unborn Heirs, and their no less Concern their Country that Wrong, as to give up their tenderest and nearest Care, their *Religion* ; or any thing tending to it !

Well, but say they, if this next Parliament will not do the Work ; when the Test is once gon ; 'tis but calling new Popish ones that will.

I, but who shall choose them ? The Electors are all the same : For the Corporations are, or will be settled to his own Model ; and Test or no Test in Being, their Inclinations will be all the same ; and upon any New Choice, beyond all Dispute, the *Majoritie* of the *Old Members* Elected again ; and if any *New Ones* amongst them, those too as far from leaning towards *Rome*, as the Popular Frantick Jealousies are from *Common Sense*.

Upon

Upon the upshot, I desie all Mankind to form one *Reasonable* Projection, or indeed, *imaginary* possibility of such a Popish Parliament. For instance we must run into endless *Labyrinths* and *Chimæras*, for the meer *Shadow* of such a Danger. For first the King must dissolve all his late Charters again; no matter whether forfeited or not; and so throw Dirt in the Face of his own yesterdays Royal Acts and Grants: For all the *Free-men, Burgers, or Aldermen*, and whatever the present Electors, and consequently all the *Trading Part* of the Nation, must be displaced and cashiered, (a very Violent Reform, and an ingratitude, which His Majesties Nature abhors, to those very Men, that by rescinding the *Penall Laws* and *Test* shall have Duty fully given him all he could ask:) And a new set of Romans planted in their Rooms; or otherwise, if the present Electors continue in their Posts, a Majority of Papists must be crowded in to over Vote them: But where to be had, let *Machiavil* himself inform us. For alas, where are these *Popish Upstarts* to be found. Not amongst the present Inhabitants of the Corporations: For how many Corporations are there in *England*, that have not so much as one Man amongst them of that Religion. Nay, take some parts of *England*, as the *West* for Example, where Corporations stand *Thickest*, and Papists grow *Thinnest*, and you shall not find in whole *Counties* the Hundredth (Nay, if I trebled it, I should not mistake.) Part of Papists, of all Degrees whatever, to supply such a Corporation Majority of Electors, or any thing like it. And indeed, take the whole Nation round, and make every Romanist that Writes the Age of Man an Alderman, they shall fall so short still of the Account, that they must be forced to send over for *Jago Pilgrims*, (a good jolly Troop too) or some other, as Extravagant

Helps to make out the Number, or otherwise our Outcry will be but *Noise*, and our Fears but *Faintness*.

But suppose any such wondrous Electors, such *Alien* or *Forreign* supplies of Romanists could be found, and so irregularly thrust into Corporations, as to carry a Popish Majority of Corporation Members: Nor will such a bare Majority do the Work. One additional Hundred of Popish Members extraordinary must be had, to over-power the Knights of the Shire, who in Spight of all pretended Corporation Feats, will be firm *Protestant Members*; the Over-byassing of *whole Counties*, being an Apprehension that *Lunacy it self* can never Forge. Nevertheless, suppose all these *Alien* Supplies so obtruded upon us, enough to carry the Cause. Alas, what Palliation, Nay, what Eloquence of Angels is enough to vindicate such *Irregular* and such *Arbitrary* Foundation of a Parliament; and instead of a *Legal Assembly*, and truly *National Senate*, or Popery so Establish the Sacred *Sanction* of a *LAW*, Even half an Eye would see through the Fraud, and the whole World explode and condemn so visible a *Deceit* and *Illusion*: Inasmuch, that His Majesty with as much *Justice*, and twice as much *Honour*; (Pardon the Profanation even of such a Supposition) might as well set up, *Sic volo sic Jubeo* for Law, and save himself the trouble of calling of Parliaments, for dissolving *Penall Laws* or *Tests*, or any other such *tedious*, and indeed, of the two more *Unprincely* Toil and Labour.

What *Mountain Height*, are Fears raised to; but how *shallow* a Basis are they Built upon? Alas, we are not in any kind to take Comparisons from *Queen Marys*, or *Queen Elizabeths* Reign. The turning the Scale of Parliaments in those Days, was the least part of any Reasonable Mans Wonder. What an easie Matter for the *Influence* and *Ascendancy* of *Imperial Power* to sway *Laws*,
and

and Establish Churches, as the Sovereign Inclination leaped; when the Church of Rome was not so low in its *Wane*, or the Young Reformation so high in its *increase*, but either Party were in a manner *the Moiety* of the Nation, and consequently the Favour of the Crown might go far, and a Majority on the Royal Side, be more easily obtained.

But in the present, even *Disproportionably Diminutive* Number of Romanists, and so almost a Total Bent of the whole Nation to the other side, the Project is so *impracticable*, and the Turn so *impossible*, as only *Delirium* can shape a Fear of it.

But now to Sum up all, and draw towards a Period: between such *Penall Laws*, and such *Tests*, and the wondrous *Episcopal* Tendernefs for their Beloved *Preservation*, Our Church, though a good Mother, is but a *Course Nurse*, when such *Unlickt Brats* as these, are her Hug'd and Dandled Bantlings. And Our Consciencious *Mute Prelates*, were certainly under the Fascination of no ordinary *Hot Zeal*, or something else as Warm, to be warpt into *Disobedience* in so poor a Cause, viz. The Reading so inoffensive a Paper as His Majesties *Declaration*.---- But perhaps, after all, there may be more in it than we are aware of. For who can Fathom the *Depth* of such a Disobedience? Who knows but this very Mask of *Conscience* might be one of the subtlest Stratagems of *Interest*. Who, I say, knows but the Loss of so considerable a *Church Regalia*, so dear an Ensign of *Ecclesiastick Sovereignty* as their *Tormenta* and *Flagella*, their *Tests* and *Penall Laws*; and so sensible a Diminution of their *GRANDEUR*, their *Diana GRANDEUR*, threaten'd by the Relaxation of those Laws, might be so near a *Concern* to them, that seeing the Royal Indulgence to *Religious Liberty*, daily more and more gaining upon the
Hearts

Hearts of the People, and to stop the Career of so General a Compassion, the Fatal Effects of so growing a Contagion; their Denial of Reading so *Pacifick* a Declaration might possibly be one of the most exquisite *Artifices* to stifle the generous *Product* of it into *Abortion*; Their very Refusal being really no more than purposely to *Court Sufferings*, to gain *Profelytes*, as well fore knowing, upon the least Punishment for it, tho' ever so much their *Due*, to have their *Condoled* and *Pittyed Cause*, seen through those Popular *False Opticks*, as should turn even *Justice* it self in *Persecution*: And so by Alaruming the *Old Ignorance* into *New Jealousies*, they might so harden that present (too Universal) popu'ar Lenity towards *Tender Consciences*, and more than probably so affect the *Frightned* Populace, and thereby so far influence the next Election as to defeat the whole Royal *purposed Clemencie*, and gain their own Point.

I should be sorry to be mistaken in this Suspicion; but truly the shallowness of so *Weak-reason'd* an Obstinacie against so *Innocent* a Command of the King, looks so very like some such sort of *Ecclesiastical Polity*, that I am affraid the Consciencious stumble at so *Diminutive* a *Gnat*, will at last be found a meer artful Piece of *Priest-craft*, to keep their *Dagon* from falling: And what that *Dagon* is, let the World judge; for excepting the Engines of their *Tyranny*, and the supporters of their Pride, I know no strength the *Penal Laws* or *Tests*, either have or can yield them.

But above all things that the *Illegality* of the King's *Dispensing Power*, should be a *Spekter* that appeared so dreadful to their Lordships, yet walks invisible to every Mortal Eye-Sight else, is not a little surprising, The very Straitest-laced Prerogative Men, never denied the King his *Dispensing Power* in Cases of Offence only against

gainst himself, *Alſq. Damno alterius*; and wherein the bare Exercise of Religious Worship is, or can be *alterius Damno*, their Wiſdoms would have been kind to inform us: Or wherein any Miniſter or Officer, qualified or not qualified by the *Teſt*, in any *Civil* or *Military* Station, (for His Maſteſtie pretends to no other Diſpenſation) can be *Damno Eccleſie* would be another piece of Diſcovery, as kind as the other. Wherein, & what has our Church, or our Nondispenſing Church-men ſuffered by all this Toleration. Have they loſt the leaſt Particle of their Government, Diſcipline, Rights, Priviledges, or Poſſeſſions whatever. Is there any of our *Nonteſt'd* Magiſtrates, or our *Unpinion'd* Diſſenters in all this Freedom, has wrong'd our Church of ſo much as a Sprig of *Mint*, or a Corn of Cumminſeed that ſhe can challenge Hers. Is ſhe denyed either *Law* or *Juſtice*, for ſo much as the claim of a Tythe Egg?

And that this *Diſpenſing Power*, may not look altogether ſo hidious, What is the King's *Diſpenſing Power* in *Penal Laws*, really any more than his *pardonig Power*. The Tranſgreſſion of thoſe Laws, incurs ſuch a *Penalty* or *Puniſhment*, and the Royal Clemencie, is Graciouſly pleaſed to *remit the Forfeiture*. And indeed, what does his *Declaration* amount to more than a *Noli proſequi*, (only a more univerſal one) the *Common* and *daily Plea* of the *Crown*. His Maſteſty, by his *unqueſtion'd* Right can pardon; and what's his *Declaration* truly more than that he *will* do it: Our Great Crown-ſticklers, have to a very fair purpoſe, ſo long Preach'd up our King's, the *Vizegerents of GOD*, to come at laſt to the denying them any part of the brighteſt Prerogative of the *Divinity MERCT*. And as to the backing the Credit, of their Aſſertion, by their Parliamentary Authority of 72, &c.

I am ſorry to hear our Divine *Gamalets* lay hold of ſo Weak a Handle, as to ſet up a *Transient Vote* againſt a *Fundamental*

dimental Prerogative. And as to their Insinuation, that upon our conceding a *Dispensing Power*, in the Case of the *Penal Laws* and *Tests*; it must therefore follow, that we should open an Inlet to lay aside *All Laws*, both *Ecclesiastick* and *Civil*; 'tis an *Ergo sequitur*, so strangely far stretch'd, that they might e'ne as well have said, (and the Consequence have hung as well together too) that because some of our *Severe Fathers* of our Church, have Reasons of Conscience and Policy, to support Laws for the *depopulating* of Kingdoms, therefore the *Gentler FATHER* of our Country, ought to have the same Reasons too.

I hope, their Lordships, if for nothing but the Reputation of their *Wisdom* and *Learning*, did not tender these Petitioning Reasons to His Majesty, as intended for *Convincing ones*. For truly by the strength, both of their *Allegding* and *inferencing*, this part of their Petition, if not all of it, I am affraid looks more like Written for the Reading of the *Rabble*, than of the *King*.

But to conclude. As the fore-mentioned are all our Dangers from their Repeal, wherein are His Majesties Demands *unreasonable*, in asking the Repeal of the *Penal Laws*, in which almost the whole *Vox populi*, Witness the late Numerous *Adresses*, joyns with him, and the Principles of *Nature*, *Humanity* and *Conscience* plead for him. Or in asking the Repeale of the *Test*, for the asserting of his own *Honour*, and the Recovering the *Birth-Right* of a *King*, by endeavouring to shake off the most shameful *Vassalage* that Monarch ever truckled under. And why must his Endeavours of doing his People so much *Right* in the first; and *Himself* so much *Right* in the last, be so poorly mis-interpreted, by the unnatural Surmises of his *Ungrateful People*. But let us Blush and mend, and by giving up these Laws, do *Equity* in Return of *Clemencie* and *MERCY*.

FINIS.

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